

Reply to Office Action dated March 1, 2005

**REMARKS**

Claims 1-23 are pending in this application. By this Amendment, the title, Abstract, specification, and claims 1-21 are amended, and new claim 23 is added. The title, Abstract, specification and claims 1-21, have been amended to improve their clarity and to address the Examiner's various objections. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The Office Action objected to the Abstract for informalities. The Examiner's comments have been addressed in amending the Abstract. No new matter is added. Accordingly, the objection is obviated and should be withdrawn.

The Office Action objected to the specification. A substitute Specification has been provided, along with a marked-up copy of the original specification for the Examiner's convenience. No new matter is added. Accordingly, the objection is obviated and should be withdrawn.

The Office Action rejected claims 1-22 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Independent claims 1, 7, and 21 have been amended to recite a method of generating a digital item data structure as a unit of manipulation of

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multimedia data for a system configured for electronic commerce activities. It is respectfully submitted that the claims recite statutory subject matter and thus, the rejection under 35 U.S.C. §101 should be withdrawn.

The Office Action rejected claims 1-22, arguing that the term “digital item” should not be capitalized. Accordingly, the term “digital item” has been corrected throughout the specification, abstract, and claims. Accordingly, the objection is obviated and should be withdrawn.

The Office Action rejected claims 1-22 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-21 have been amended to further clarify these claims and more distinctly claim the invention. It is respectfully submitted that the relationship between steps of the claimed methods are clearly set forth. For example, independent claim 1 recites selecting a resource of multimedia data for electronic commerce activities, and further recites generating a digital item data structure for the selected resource. Similar relationships are provided in the various other claims. Accordingly, the rejection is obviated and should be withdrawn.

The Office Action rejected claims 1-2 and 21-22 under 35 U.S.C. §102(e) as being anticipated by Vestergaard et al. (hereinafter “Vestergaard”), U.S. Patent Publication No.

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2002/0146122 and rejected claims 3-20 under 35 U.S.C. §103(a) as being unpatentable over Vestergaard in view of Chouraki et al. (hereinafter "Chouraki"), U.S. Patent No. 5,594,792. The rejections are respectfully traversed.

Vestergaard discloses a digital media distribution method and system focused on providing secure distribution of digital media files including text, video, audio and combinations thereof. Vestergaard is not directed to a method of generating a digital item data structure as a unit of manipulation of multimedia data for a system configured for electronic commerce activities, as respectively recited in each of independent claims 1, 7, and 21 of the present application, and the respective claims depending therefrom. Chouraki discloses methods and apparatus for modeling and emulating devices in a network of telecommunication systems, and likewise is not directed to a method of generating a digital item data structure as a unit of manipulation of multimedia data for a system configured for electronic commerce activities, as respectively recited in each of independent claims 1, 7, and 21 of the present application, and the respective claims depending therefrom. Further, if the Examiner intends to continue to apply Vestergaard against the claims of the present application, it is respectfully requested that the Examiner provide Applicants with a copy of the parental provisional application which antedates the priority date of the present application.

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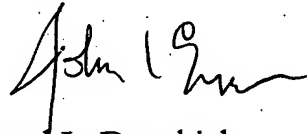
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In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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